

UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN RE: DAVOL, INC./C.R. BARD,
INC., POLYPROPYLENE HERNIA
MESH PRODUCTS LIABILITY
LITIGATION**

Case No. 2:18-md-2846

**Judge Edmund A. Sargus, Jr.
Magistrate Judge Kimberly A. Jolson**

This document relates to:

Carlson, et al. v. Davol, Inc., et al.

Case No. 2:21-cv-4069

OPINION AND ORDER

On September 14, 2021, Defendants Ethicon, Inc. and Johnson & Johnson (collectively “Ethicon”) filed a motion to dismiss Plaintiffs’ claims against Ethicon for failure to state a claim under Rule 12(b)(6) of the Federal Rules of Civil Procedure. (ECF No. 15.) Plaintiffs have failed to file a response, therefore the Court will treat the motion as unopposed.

The Court has reviewed the complaint and agrees with the arguments raised in Ethicon’s motion to dismiss. That is, even when construing the complaint in favor of Plaintiffs, accepting the well pleaded factual allegations contained in the pleading as true, those factual allegations fail to present any plausible claim. *See Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. *Iqbal*, 556 U.S. at 678. Here, Plaintiffs have failed to raise a plausible claim against Ethicon upon which relief can be granted. There is no jurisprudential value in issuing a more detailed decision on this matter. Accordingly, Ethicon’s motion to dismiss (ECF No. 15) is **GRANTED**. The Clerk is **DIRECTED** to **ENTER JUDGMENT** in favor of Defendants Ethicon, Inc. and Johnson & Johnson and to **DISMISS** Defendants Ethicon, Inc. and Johnson &

Johnson. Plaintiffs' claims against Davol, Inc. and C.R. Bard, Inc. remain pending, and this case shall remain open.

IT IS SO ORDERED.

12/1/2022
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE